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Tenth emergency special session
Agenda item 5
Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 25 June 1999 from the Permanent Representative of Senegal to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to transmit to you, enclosed herewith, the text of the final declaration adopted by the United Nations International Meeting on the Convening of the Conference on Measures to Enforce the Fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem, held at Cairo on 14 and 15 June 1999 under the auspices of the Committee (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the tenth emergency special session of the General Assembly under agenda item 5.

(*Signed*) Ibra Deguène **Ka**
Ambassador
Permanent Representative of Senegal to the United Nations
Chairman of the Committee on the Exercise
of the Inalienable Rights of the Palestinian People

99-23443 (E) 130899

Annex

Final document of the United Nations International Meeting on the Convening of the Conference on Measures to Enforce the Fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem, organized in Cairo, 14 and 15 June 1999, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

1. The United Nations International Meeting on the Convening of the Conference on Measures to Enforce the Fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem, was held at Cairo on 14 and 15 June 1999 under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. Participants in the meeting included international legal experts as well as representatives of Governments, intergovernmental organizations, United Nations system organizations and agencies, the representative of the International Committee of the Red Cross, the Palestinian Authority, non-governmental organizations and representatives of the media. The Secretary-General of the United Nations sent an official message to the meeting.

2. The participants emphasized the importance of upholding and enforcing the purposes and principles of the Charter of the United Nations, international humanitarian law and human rights law. Participants stressed the universal character of the Geneva Conventions and the fact that their provisions have been accepted as norms of international customary law. They recalled that 1999 marked the fiftieth anniversary of the signing of the four Geneva Conventions and the centenary of the first Hague Peace Conference. It was therefore, opportune for the international community to renew its determination to promote international humanitarian law further and to ensure respect for the Geneva Conventions. The participants also referred to the adoption in Rome last year of the Statute of the International Criminal Court.

3. The participants in the meeting were unanimous in their view that the Palestinian people were subjected to flagrant violations of their basic human rights, as well as their rights as protected persons under Israeli occupation. They expressed serious concern with regard to grave breaches, breaches and violations by Israel, the occupying Power, of the Fourth Geneva Convention, including arbitrary detention, ill-treatment of and violence against the civilian population, torture, summary execution, confiscation, and destruction of property, forcible transfers and deportations, and the various forms of collective punishment, as well as the destruction of economic and social structures of the Occupied Territory. The participants noted that the above violations corresponded to all the categories of problems that are contained in the Chairman's report of the experts' meeting of October 1998.

4. The participants expressed their utmost concern at the continuing settlement activities, which include illegal land confiscations, transfer of Israeli civilians to the Occupied Palestinian Territory, including Jerusalem, in clear violation of article 49 of the Fourth Geneva Convention. Article 49 states that the occupying Power shall not deport or transfer parts of its own civilian population into the Territory it occupies. This policy aimed at expansion and annexation, apart from being illegal, was deemed to be detrimental to the peace process.

5. The participants reaffirmed the existing international consensus on the *de jure* applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including Jerusalem, in accordance with relevant General Assembly and Security Council resolutions. They also called upon Israel, the occupying Power, to fully comply with the provisions of the Convention. Furthermore, the participants recalled that the Fourth Geneva Convention, as an instrument of international humanitarian law, was applicable, regardless of the national legislation of Israel which is a High Contracting Party to the Convention.

6. The participants appealed to all the High Contracting Parties to the Fourth Geneva Convention to fulfil their obligations in accordance with common article 1, which requires the High Contracting Parties to respect and to ensure respect for the Convention in all circumstances.

7. The participants strongly supported the convening of the conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, as recommended in General Assembly resolutions ES-10/3, 4 and 5. They also strongly supported the convening of the said conference by the High Contracting Parties on 15 July 1999 at the United Nations Office at Geneva, in accordance with General Assembly resolution ES-10/6, overwhelmingly adopted on 9 February 1999. The report of the Secretary-General dated 14 October 1997 (A/ES-10/16-S/1997/798) demonstrated clearly that the majority of the High Contracting Parties were in favour of convening a

conference, and recent consultations conducted by the depositary also showed that the broad majority supported convening the conference on 15 July 1999. The participants called upon all the High Contracting Parties to actively participate in the conference.

8. The participants welcomed the consultations taking place on the preparations for the conference, including those conducted by Switzerland in its capacity as the depositary, and emphasized the need for the widest possible participation in those consultations.

9. The participants called upon the High Contracting Parties to strive for concrete results by the conference to be incorporated in a declaration or a resolution or both. In view of the significance of the matter, they urged the High Contracting Parties to make every effort to reach consensus in the conference, and in the absence of that, they expressed the hope that the decisions would be adopted by a vast majority.

10. The conference should emphasize the responsibility of the High Contracting Parties to ensure respect for the Convention. It should reaffirm, *inter alia*, the *de jure* applicability of the Fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem, and, in view of the various Israeli violations of the provisions of the Convention, in particular its illegal settlement policy, call upon the High Contracting Parties to live up to their obligations under the Convention.

11. The participants expressed their hope that the High Contracting Parties would be in a position to take, individually or collectively, the measures they deemed appropriate to ensure respect of the Convention.

12. The participants called upon the High Contracting Parties participating in the conference to establish a follow-up mechanism. This could take the form of a committee, possibly under the leadership of the depositary of the Fourth Geneva Convention, with the participation of the International Committee of the Red Cross to ensure the full application of the Convention. The parties directly concerned should be part of that committee, and the High Contracting Parties may demand their full cooperation.

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Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 5 August 1999 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

The Israeli occupying army announced its intentions, which it said reflected the opinion of Prime Minister Ehud Barak, to allow 27 of the 31 settler encampments that were set near existing settlements on "grabbed" hilltops since the signing of the Wye River Memorandum to remain intact. While all settlements are illegal under international law, those new encampments are particularly shocking in the context of the ongoing peace process and the agreements reached between the two sides.

This most unfortunate development comes as the first Israeli concrete reaction to the Conference of the High Contracting Parties to the Fourth Geneva Convention on Measures to Enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, which was held, as recommended by the tenth emergency special session of the General Assembly, at Geneva on 15 July 1999. The Conference, the first of its kind in the history of the Convention, "reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem", and "reiterated the need for full respect for the provisions of the said Convention in that Territory".

For the occupying Power, which is a High Contracting Party itself, to continue with such serious violations of the Convention is a matter of grave concern and calls for further action by the High Contracting Parties to the Convention. In the statement issued by the Conference, the participating High Contracting Parties adjourned the Conference "on the understanding that it will convene again in the light of consultations on the development of the humanitarian situation in the field". This recent Israeli violation, if not reversed, indeed requires serious consideration and follow-up by the High Contracting Parties.

99-23449 (E) 130899

I would be grateful if you would arrange to have the text of the present letter distributed as an official document of the General Assembly at its tenth emergency special session.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine
to the United Nations